

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

JOHNNY WADE WILES,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social
Security,

Defendant.

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CV 622-044

O R D E R

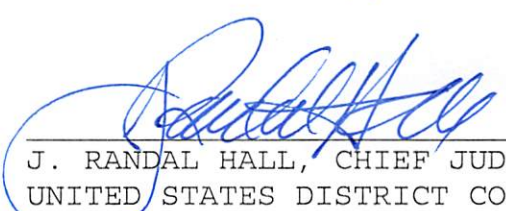
Presently before the Court is the Acting Commissioner's motion for entry of judgment and remand. (Doc. 13.) The Acting Commissioner represents that on remand, the Appeals Council will instruct the Administrative Law Judge ("ALJ") to offer Plaintiff the opportunity for a hearing; seek supplemental vocational expert evidence to determine whether there jobs in the national economy Plaintiff can perform; before relying on vocational expert evidence, identify and resolve any conflicts between the occupational evidence from vocational expert and information in the *Dictionary of Occupational Titles*; and issue a new decision. (Id. at 1.) She also affirms Plaintiff does not oppose this motion. (Id. at 2.)

Under sentence four of 42 U.S.C. § 405(g), "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision

of the Commissioner of Social Security, with or without remanding the case for a rehearing." The Acting Commissioner believes remand would be appropriate to have the agency further evaluate Plaintiff's claim. (Doc. 13, at 2.) On remand, the Appeals Council will forward the case to an ALJ, who will be instructed to: 1) update the medical record; 2) assess Plaintiff's residual functional capacity based on the updated record; 3) evaluate the persuasiveness of all medical source opinions consistent with agency policy; 4) hold a supplemental hearing offering Plaintiff the opportunity to provide additional evidence and testimony and obtain testimony from vocational expert; and 5) address any conflicts with *Dictionary of Occupational Titles* in compliance with agency policy. (Doc. 13-1, at 1-2.)

Upon due consideration, pursuant to sentence four of 42 U.S.C. § 405(g), the Court **GRANTS** the Acting Commissioner's motion. (Doc. 13.) The Commissioner's decision is **REVERSED**, and this action is **REMANDED** for further proceedings. The Clerk **SHALL ENTER JUDGMENT** in favor of Plaintiff, **TERMINATE** all pending motions and deadlines, **REMAND** this action to the Acting Commissioner for further proceedings, and **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 16th day of December, 2022.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA